

### **REMARKS**

Claims 2-14 and 27-35 are pending in the application. Claims 1 and 15-26 have been cancelled. Claims 2-14 and 33-35 have been withdrawn from consideration at this time. Claims 27-32 stand rejected.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 27 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. (U.S. Publication 2003/0156045) in view of Bedner et al. (U.S. Publication 2002/0198646). The Examiner states that Tanaka discloses a system or method of controlling a motor vehicle including a shift lever having a reverse position generating reverse position signal which is communicated with a parking assist electronic control unit. The Examiner admits that Tanaka's ECU(2) is not disclosed as applying brake steer in response to a reverse position signal; for this, the Examiner looks to Bedner, which the Examiner asserts, teaches a control unit which operates both braking and steering control. The Examiner uses this assertion as a foundation for a further assertion that Bedner's control unit 26 applies brake steer. The Examiner admits that Bedner fails to include a shift lever but indicates that such feature "is inherently included since the vehicle should include a shift lever for control driving forward or backward." The Examiner concludes with the assertion that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Tanaka et al. to include the teaching of control brake-steer in response to the reverse position signal as taught in Bedner et al. so that effectively control the stability of vehicle when getting into a parking lot." Applicants respectfully traverse this rejection and request that Claim 27, and, for that matter,

Claim 32, be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

The Tanaka reference has been discussed at length in Applicant's earlier filed appeal brief, and Applicant will not belabor the point. Suffice it to say, Tanaka teaches nothing regarding the use of brake steering during reverse maneuvers. Rather, Tanaka teaches speed control via the vehicle's service brakes during reverse maneuvers. Bedner on the other hand, teaches the use of steering control and brakes to control yaw. In this regard the Examiner's attention is directed to Bedner at paragraphs 2 and 3. Thus, at paragraph 2 Bedner states:

"The technical field of this application is vehicle chassis control with coordinated brake and steering control."

And, at paragraph 3 Bedner states the following:

"Braking or acceleration of a vehicle on a split coefficient surface, wherein one or more wheels on one side of the vehicle encounter a significantly larger coefficient of friction with the road surface than one or more on the other side of the vehicle, can produce a large difference in longitudinal forces that tend to produce an undesired yaw moment(rotation) of the vehicle."

Bedner goes on in his specification to teach the use of a steering correction that is a steering wheel, or geometry, correction if yaw is encountered. If the steering geometry correction is not available, and in the presence of a split coefficient of friction surface, then the brakes are applied in a certain manner so as to avoid a yaw operation. In this regard, the Examiner's attention is directed to Bedner at paragraph 13, wherein Bedner states:

"At Step 108, the routine will determine if the vehicle is equipped with rear wheel steering, if such determination is necessary, and also if the rear steering is operating correctly."

In other words, Bedner teaches the use of a rear wheel steering system with selective control of the brakes, in order to avoid yaw. Bedner is devoid of any teaching of the use of brake

steering to operate a vehicle while the vehicle is running in a reverse direction. Rather, Bedner teaches steering the road wheels using a steering gear mounted at the rear wheels, coupled with operation of the brakes, to avoid a yaw. As a result, Applicant respectfully submits that neither Tanaka, nor Bedner, whether taken singly or in combination with each other, either teach or suggest Applicant's claimed invention. Indeed, were one to combine Tanaka and Bedner, it is not possible to achieve a system as described by Applicant, if for no other reason than Bedner teaches nothing regarding operation of a vehicle in a reverse direction, nor does it teach anything about brake steering. As a result, Claims 27 and 32, which depend from Claim 27, are allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Bedner and further in view of Spillane et al. (U.S. Publication 2003/0200016). The Examiner uses Spillane for the teaching of a transmission controller controlling the mode of a transfer case. However, as noted in Applicants' earlier filed appeal brief, Spillane teaches nothing regarding the use of brake steering while a vehicle is in a reverse operating mode. As a result, Claim 28, too, is allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Claims 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Bedner and further in view of Ritz et al. (U.S. Publication 2002/00060103). The Ritz reference was previously discussed in Applicant's earlier filed appeal brief, and will not be belabored at this time. Suffice it to say, however, that as noted in the appeal brief, reliance upon Ritz is misguided because, at paragraph 41, Ritz teaches that:

“It could also be useful to deactivate single-sided steering-supporting brake operation when reversing.”

In other words, Ritz teaches the deactivation of brake steering during reverse operation. The Examiner states that it would have been obvious to combine Tanaka and Bedner with Ritz “in order to bring the vehicle driver a comfort of driving and a safety of moving when the vehicle is controlled to backup.” However, in making this statement the Examiner fails to make a *prima facie* case of obviousness, because its justification is hardly anything more than a statement of intended result. The fact remains that neither Tanaka, nor Bedner, nor Ritz, whether taken singly, or in combination with each other, either teach or suggest Applicant’s invention as set forth in either Claim 27, or in any of the Claims depending therefrom; i.e., Claims 28-32. As a result, each of Claims 29-31 should be passed to issue over the Examiner’s rejection. Such action is earnestly solicited.

**Concluding Remarks**

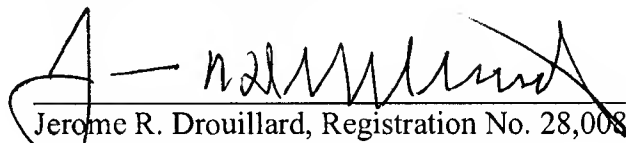
Reconsideration of this application as amended is respectfully requested.

It is believed that this application is now in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge any fee deficiency or refund any excess to Deposit Account No. 04-1061.

Respectfully submitted,

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